

PROGRAM OFFICE TOPICS SUMMARY

AIR AND RADIATION

Attainment

- The EPA's criteria pollutant programs are critical to continued progress in reducing public health risks and improving the quality of the environment.
- The agency provides a variety of technical assistance, training and information to state, Tribal, and local agencies as they develop clean air plans and issue air permits. A noteworthy example of cooperative federalism, working with states and Tribal partners.
- The agency will focus its attention on making progress towards key air pollutants under the ambient air quality standards, which aligns with the key priorities of the administration to improve air quality.

CAFE Mid-Term Review

- The Obama Administration rushed the MTE by simply maintaining the standards and issuing final determination on January 12, 2017—nearly a year and a half before it was due.
- Concerns were raised about the premature timing and adequacy of analysis of the determination.
- EPA has now reopened the docket in order to get the most up-to-date information so that we can get back on track with what the regulation actually requires of the Agency.
- Our goal is to increase public participation, listen to those impacted directly by our regulations and use the most current and accurate information available to inform our regulatory actions.
- EPA is currently reviewing comments and will make a new Final Determination no later than April 1, 2018, as required by EPA regulations.

California Waiver

- In August, 2017 the EPA and DOT announced a 45-day comment period and held a public hearing for stakeholders to submit any information they believe relevant to the Administrator's reconsideration of the January 2017 Final Determination.
- The Administrator must make a final determination with regard to whether the standards, and subsequently the CA waiver, remain appropriate or should be changed by April 1, 2018.
- At this time no determination has been made.

Clean Power Plan

- The CPP was premised on a novel and expansive view of agency authority that this Administration now proposes to determine is inconsistent with the Clean Air Act (CAA).
- Prior to the CPP, EPA rules issued under Section 111 of the CAA were based on measures that could be applied to, for, and at a particular facility, also referred to as “inside the fence line” measures.
- The concept of cooperative federalism is a bedrock principal of the CAA. The regulation of existing sources under Section 111 is expressly predicated on this concept, in that each state is in the first instance assigned the responsibility of adopting a state-specific plan for the control of existing source emissions. The CPP upended this principle by imposing a one-size-fits-all program from which states have little authority to deviate.

DERA

- The EPA will continue to provide DERA grants to reduce diesel emissions in priority areas and areas of highly concentrated diesel pollution with a primary focus on ports and school buses.

Energy Star

- The EPA will continue to find ways to partner with stakeholders in the private sector to innovate, improve our environment, and strengthen our economy.

RFS NODA

Deliberative Process / Ex. 5

RFS Point of Obligation

- EPA has received several petition requesting that we initiate a rulemaking process to reconsider or change 40 CFR 80.1406, which identifies refiners and importers of gasoline and diesel fuel as the entities responsible for complying with the annual percentage standards adopted under the RFS.
- This “point of obligation” for the RFS program was established in a 2010 rulemaking base on the statutory direction of the Clean Air Act to impose the renewable fuel obligations on “refiners, blenders, and importers, as appropriate,” while also “prevent[ing] the imposition of redundant obligations.”
- On November 22, 2017 EPA denied requests from petitioners to initiate a rulemaking to change the point of obligation for compliance under the Renewable Fuels Standards program.

RFS RVO

- Volumes for each category of renewable fuel very similar to 2017; growth from the NPRM driven entirely by the projected increase in cellulosic biofuel
- Advanced volume of 4.29 bill gal and Total Renewable Fuel volume of 19.29 bill gal are the result of the use of the full cellulosic waiver
- In the Final Standards we finalized a BBD standard of 2.1 billion gallons for 2019

	2017 (B gal)	2018 (Statutory)	2018 (Proposed)	2018 (Draft Final)
Cellulosic	0.31	7.00	0.24	0.29
BBD*	2.00	≥1.00	2.10	2.10
Advanced	4.28	11.00	4.24	4.29
Conventional	15.00	15.00	15.00	15.00
Total	19.28	26.00	19.24	19.29

CHEMICALS

Chlorpyrifos

- On March 29, 2017, the EPA issued an order denying a petition requesting that the EPA revoke all tolerances and cancel all chlorpyrifos registrations under FIFRA. USDA scientists supported this determination. The EPA intends to complete the registration review of chlorpyrifos by October 1, 2022
- Despite several years of study, the EPA concluded that the science addressing neurodevelopment effects remains unresolved and that further evaluation of the science during the remaining time for completion of registration review is warranted.

Endocrine Disruptors

- The EPA will absorb its remaining functions within the Office of Chemical Safety and Pollution Prevention (OCSPP) using the currently available tiered testing battery.

FIFRA & Endangered Species Act

- The agency is committed to meeting the statutory mandates under both FIFRA and ESA.
- The EPA is collaborating with the Services to develop interim scientific approaches and create a sustainable process for completing consultations that meet requirements of both statutes.
- The EPA aims to streamline the process to a point where it is protective of species, timely for FIFRA registration review decisions, feasible within the agencies' resource constraints, and transparent to the public.

Formaldehyde

- We have worked expeditiously to amend the final Formaldehyde rule through three separate direct final rule actions that : 1) removed the early labeling prohibition on compliant products; 2) extended the compliance dates for emission standards, recordkeeping, labeling, import certification provisions, and the transitional period for CARB-approved third-party certifiers; and 3) updated voluntary consensus standards incorporated by reference in the rule and allowed for correlation of small test chambers.
- Other technical issues recently raised by stakeholders also are under review and consideration for possible future rule amendments to help further enhance harmonization with the California Air Resources Board's formaldehyde regulations and facilitate smoother implementation and compliance.

Deliberative Process / Ex. 5

Glyphosate

Deliberative Process / Ex. 5

PRIA

- The EPA strongly supports PRIA 4 and has been working with Senate staff to respond to concerns raised in association with the hold.
- PRIA 4 brings together a coalition of divergent interests that permits market access of pesticides, benefitting both the pesticides and agricultural industries, while safeguarding the environment and human health.
- The expiration date of PRIA 3 was extended through the continuing resolution through December 8, 2017. If the expiration date is not further extended or if PRIA 4 is not passed by that date, pesticide applications will no longer be subject to decision time periods. The two-year sunset provision specifies fees be reduced in the first year by 40% below the levels in effect during FY2017, and by 90% in the second year. After two years, fee requirements are terminated.

TSCA

Deliberative Process / Ex. 5

Worker Protection Standards

Deliberative Process / Ex. 5

PCS-5

PFAS/PFOA

As part of the agency's work, EPA will:

-
-
-
-

Deliberative Process / Ex. 5

PCS-6

WATER

Flint

- EPA has provided sustained federal support to State and local response efforts. EPA continues to oversee an enforcement order issued by EPA in January 2016.
- Lead levels in drinking water have declined and corrosion control treatment is being maintained in the system.
- Now that the City of Flint has selected a long-term water source, EPA looks forward to continuing its work with the City and the State to continue this progress.
- EPA continues to work with the State of Michigan and the City to implement the \$100 million in supplemental federal Drinking Water State Revolving Fund funding aimed at reducing lead in Flint's drinking water system that Congress provided in the Water Infrastructure Improvements for the Nation (WIIN) Act.

Great Lakes Restoration

- The Great Lakes are an important part of the U.S. fresh water supply, and the EPA is committed to improving environmental conditions and human health for Americans that live and work in the Great Lakes region. The EPA will continue to engage in meaningful discussions about how shared environmental goals relate to this region can be achieved.

Harmful Algal Blooms

- Harmful algal blooms (HABs) can produce dangerous algal toxins in fresh and marine waters and are a growing public health and economic concern in the U.S. as demonstrated by the drinking water health emergency in Toledo, OH in the summer of 2014.
- The EPA released a drinking water health advisory and treatment recommendations for algal toxins in June 2015 and we are working with other federal agencies, states and drinking water utilities to implement a harmful algal bloom strategic plan as mandated by Congress

Lead and Copper Rule

-
-
-
-

Deliberative Process / Ex. 5

NPDES

-

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Water Infrastructure

- Inadequate and aging infrastructure across the nation is impacting the ability to provide safe drinking water, manage wastewater, reduce flooding, and ensure swimmable, fishable waters.
- EPA partners with states and small system technical assistance providers to provide financial, managerial, and technical expertise to help communities address these challenges.
- EPA helps support water infrastructure investments through the Clean Water State Revolving Fund (CWSRF), the Drinking Water State Revolving Fund (DWSRF), the Water Infrastructure Finance and Innovation Act (WIFIA) program, and the Water Infrastructure and Resiliency Finance Center (WIRFC).

WIFIA

- In April, EPA received 43 letters of interest in response to this request, more than quadruple the capacity of the loan program, based on the \$25 million in appropriated budget authority for WIFIA in FY 2017.
- In July, EPA announced the 12 projects selected to continue with the application process, which seek \$2.3 billion in credit assistance to help finance more than \$5 billion in water infrastructure investment.

WOTUS

Deliberative Process / Ex. 5

WOTUS—Proposed Applicability Date Change

Deliberative Process / Ex. 5

OLEM/SUPERFUND

Brownfields

- Statistics derived from earlier this year show 124,759 jobs have been created and \$24.3 billion of public and private funding have been leveraged in the Brownfield program.
- For every \$1 EPA provides to a community, \$16.11 is created or leveraged.
- When Brownfields are cleaned up, property values increase 5-15.2% within 1.24 miles of the sites.
- Additionally, EPA analyzed data near 48 Brownfield sites and found that the cleanup of these sites provided and estimated \$29- \$97 million in additional tax for the local governments in a single year after clean up.
- The Brownfield Program is a success and proves itself each and every day across this country

CERCLA 108 (b)

Deliberative Process / Ex. 5

Gold King

Deliberative Process / Ex. 5

Hurricane Response

Deliberative Process / Ex. 5

- EPA provides regular email updates to Congressional staff on our hurricane response efforts.

Risk Management Plan

Deliberative Process / Ex. 5

Superfund

- As to Superfund sites themselves, we now have 1341 Superfund sites.
- Contrary to years past, we expect 22 deletions or partial deletions to be effected this fiscal year.

Deliberative Process / Ex. 5

- Numerous sites stalled far too long, are moving again and more will follow.